IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:06cv70

PAULA TOWNSEND,)
Plaintiff,)
Vs.) JUDGMENT
MARK WILLIAM SHOOK, individually and in his official capacity as Sheriff of Watauga County; WATAUGA COUNTY; and JOHN DOE SURETY,))))
Defendants.)))

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(c), and upon plaintiff's Motion for Summary Judgment (#49), Defendant Shook's and Western Surety Company's (hereinafter "Shook") Motion for Summary Judgment (#51), Watauga County's (hereinafter "county") Motion for Summary Judgment (#54), defendants' Motion to Strike Portions of Plaintiff's Affidavit (#70), and the court having considered such motions, the supporting and opposing memoranda, as well as the evidentiary submission, and having determined that summary judgment should be granted in part to defendants, denied as to plaintiff, and that all remaining supplemental claims should be declined inasmuch as the claims over which this court has original jurisdiction have been dismissed, as discussed in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

- plaintiff's Motion for Summary Judgment (#49) is **DENIED** without prejudice and without reaching the merits of such claim and Shook's counterclaim for defamation is **DISMISSED** without prejudice as to refiling in state court in accordance with 28 U.S.C. § 1367(c)(3);
- (2) Defendant Shook's and Western Surety Company's (hereinafter "Shook")

 Motion for Summary Judgment (#51), and Watauga County's

 (hereinafter "county") Motion for Summary Judgment (#54) are

 GRANTED in part and DENIED in part as follows:
 - (a) summary judgment is **GRANTED** in favor of all defendants and against plaintiff on plaintiff's second cause of action, providing that:
 - (1) the Title VII claims are **DISMISSED** without prejudice as to bringing a claim under the GERA if such may still be brought;
 - (2) the Section 1983 claim is **DISMISSED** without prejudice as to bringing a claim under the GERA if such may still be brought; and
 - (3) the state Chapter 143-422.2 claim is **DISMISSED** with prejudice for failure to state a claim cognizable as a matter of state law;
 - (b) summary judgment is **GRANTED** in favor of all defendants and against plaintiff on plaintiff's third and fourth causes of action,

providing that plaintiff have and take nothing of these defendants on such causes of action, and such are **DISMISSED** with prejudice.

- summary judgment is **DENIED** without prejudice as to plaintiff's first cause of action inasmuch as the court will not reach the merits of this claim, but instead dismiss such claim without prejudice as to reasserting such claim in state court, as provided by 28 U.S.C. § 1367(c)(3);
- (3) defendants' Motion to Strike Portions of Plaintiff's Affidavit (#70) is **DENIED** without prejudice as to reasserting the substance of such at trial, if necessary, and

all other claims, counterclaims, or other requests not otherwise addressed are **DISMISSED**, and this action is terminated.

Signed: October 17, 2007

Dennis L. Howell

United States Magistrate Judge